

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office AUG 30 1994

Returned to applicant for correction AUG 30 1994

Corrected application filed JUN 17 1991 under 55908

The applicant Magma Nevada Mining Company
P.O. Box 382 of Ruth
Street and No. or P.O. Box No. City or Town
Nevada 89319 hereby make^s application for permission to change the
State and Zip Code No.
point of diversion of a portion
Point of diversion, manner of use, and/or place of use
of water heretofore appropriated under Permit No. 55911
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
identify right in Decree.

- The source of water is underground sources (LDW-1)
Name of stream, lake, underground spring or other source.
- The amount of water to be changed 0.1 second feet.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for mining, milling, and domestic.
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for mining, milling, and domestic.
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point in the SE¹ NW¹, Section 16, T.16 N.,
Describe as being within a 40-acre subdivision of public survey and by course and
R.62 E., M.D.B. & M., whence the northeast corner of Section 3, T.16 N.,
distance to a section corner. If on unsurveyed land, it should be stated.
R.62 E., M.D.B. & M. bears N.32°56'05"E., 15,109.43 feet distant.
- The existing permitted point of diversion is located within the NE¹ SW¹, Section 9, T.16 N.,
If point of diversion is not changed, do not answer.
R.62 E., M.D.B. & M., or at a point from which the northeast corner of Section
3, T.16 N., R.62 E., M.D.B. & M. bears N.45°17'08"E., 11,951.23 feet distant.
- Proposed place of use Sections 12, 13, 23, 24, 25 and 26, T.16 N., R.61 E.,
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
Sections 2 through 22, 29, and 30, T.16 N., R.62 E., Sections 7, 17, 18, 19
and 20, T.16 N., R.63 E., and Section 33, T.17 N., R.62 E., M.D.B. & M.
- Existing place of use same.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.
- Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
- Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
Drill well, install pump, dewater
specifications of your diversion or storage works.)
pit wall, and monitor water level.
State manner in which water is to be diverted, i.e. diversion structure,
ditches, pipes and flumes, or drilled well, etc.
\$25,000.00
- Estimated cost of works \$25,000.00
- Estimated time required to construct works 1 year

1 year

14. Estimated time required to complete the application of water to beneficial use.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This application is for a temporary permit. The well will be used for
 dewatering purposes. Water will be pumped from dewatering well into the
 Liberty Pit, then into the Ruth Pit. This is to replace Permit No. 58770-T
 that expired on 6/23/94.

By s/Richard Forman
Richard W. Forman Agent
 P.O. Box 150
 Ely, NV 89301

Compared jr/vjw jr/vjw

Protested.....

APPROVAL
 OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 55911 is issued subject to the terms and conditions imposed in said Permit 55911 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1 cubic feet per second, but not to exceed 72.4

acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 22nd day of December,

A.D. 19 94

R. Michael Turnipseed, P.E.
 State Engineer

EXPIRED

12-21-95

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

The total combined duty of Permits 43378, 43379, 43380, 43381, 55906, 55908, 55910, 55911, 55912, 55913, 55915, 57935, 58245, 58793, 59167-T, 60416-T, 60417-T, 60418-T and 60419-T shall not exceed 13,204.0 acre-feet annually.

The permittee shall comply with the monitoring plan approved by the State Engineer which will be subject to revision upon review of the data generated.

The data and analysis of the data shall be submitted to the State Engineer on a monthly basis, subject to any revision of the frequency of the data collected.

This temporary permit is issued subject to the conditions set forth in the withdrawal of the City of Ely's protest dated October 28, 1991, under Permit 55906.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on December 21, 1995 at which time all rights herein granted shall revert to the right being changed by this temporary permit.